

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SEVDIJA NOVOVIC, Administrator
of the Estate of Rama Novovic, et al.,**

Plaintiffs,

V.

GREYHOUND LINES, INC., et al.,

Defendants.

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Case No. 2:09-CV-00753

JUDGE ALGENON L. MARBLEY

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court on Plaintiffs’ request for: (1) a factual determination that there was no conscious pain and suffering experienced by the decedent, and an allocation of the award entirely to wrongful death damages; and (2) to permit additional disbursements that were not included upon the original application for disbursements. (Dkt. 172.)

The Court's March 12, 2012 Order Approving Settlement declined to allocate the net proceeds of the settlement between recovery for wrongful death and recovery for conscious pain and suffering. That allocation is to be completed by the surrogate's court pursuant to Section 5-4.6(a)(2) of the New York Estates, Powers and Trusts Law. (Dkt. 171.) Plaintiffs' first request is **DENIED**.

Plaintiffs' counsel secondly requests approval of \$8,209.34 in additional disbursements from the settlement sum. Counsel for Plaintiffs has provided a list of the disbursements, which have been approved by the Administrators. Unlike their previously-submitted disbursements, however, this list does not provide the dates of the expenses. More importantly, while counsel requests only the additional \$8,209.34 in disbursements, the proposed amended settlement apportionment requests more than \$8,209.34 in additional disbursements when compared to the

initial disbursements requested and reflected in the Court's prior Order. The amount of disbursements in Plaintiffs' initial apportionment request was \$78,263.58. (Dkt. 167, p. 8.) Here, counsel requests \$84,616.04 in base disbursements plus the additional disbursements of \$8,209.34, which makes \$92,825.38 in total requested disbursements. (Dkt. 172, at 4). That leaves \$6,352.46 in additional disbursements claimed in this request which have not been accounted for. Counsel is directed to account for this discrepancy, and provide the dates for the expenses claimed for any additional disbursements.

Plaintiffs' request for additional disbursements and an amended settlement apportionment is **DENIED** at this time.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley

DATED: April 30, 2012